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7
8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. **2012-32**

13 **CINDA L. VAUGHN**
5071 Las Cruces Court
San Jose, CA 95118
Registered Nurse License No. RN 378500

A C C U S A T I O N

14 Respondent.

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16
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
20 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
21 Consumer Affairs.

22 2. On or about August 31, 1984, the Board of Registered Nursing issued Registered
23 Nurse License Number RN 378500 to Cinda L. Vaughn (Respondent). The Registered Nurse
24 License was in full force and effect at all times relevant to the charges brought herein and will
25 expire on January 31, 2012, unless renewed.

26 **JURISDICTION**

27 3. This Accusation is brought before the Board of Registered Nursing (Board),
28 Department of Consumer Affairs, under the authority of the following laws. All section

1 references are to the Business and Professions Code unless otherwise indicated.

2 4. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent
3 part, that the Board may discipline any licensee, including a licensee holding a temporary or an
4 inactive license, for any reason provided in Article 3 (commencing with section 2750) of the
5 Nursing Practice Act.

6 5. Section 2761 of the Code states:

7 "The board may take disciplinary action against a certified or licensed nurse or deny an
8 application for a certificate or license for any of the following:

9 "(a) Unprofessional conduct. . .

10 . . .

11 "(f) Conviction of a felony or of any offense substantially related to the qualifications,
12 functions, and duties of a registered nurse, in which event the record of the conviction shall be
13 conclusive evidence thereof.

14 . . ."

15 6. Section 2762 of the Code states:

16 "In addition to other acts constituting unprofessional conduct within the meaning of this
17 chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this
18 chapter to do any of the following:

19 . . .

20 "(b) Use any controlled substance as defined in Division 10 (commencing with Section
21 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in
22 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to
23 himself or herself, any other person, or the public or to the extent that such use impairs his or her
24 ability to conduct with safety to the public the practice authorized by his or her license.

25 "(c) Be convicted of a criminal offense involving the prescription, consumption, or
26 self-administration of any of the substances described in subdivisions (a) and (b) of this section,
27 or the possession of, or falsification of a record pertaining to, the substances described in
28

1 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence
2 thereof.

3 ..."

4 7. Section 490 of the Code provides, in pertinent part, that a board may suspend or
5 revoke a license on the ground that the licensee has been convicted of a crime substantially
6 related to the qualifications, functions, or duties of the business or profession for which the
7 license was issued.

8 8. Section 125.3 of the Code provides, in pertinent part, that the
9 Board/Registrar/Director may request the administrative law judge to direct a licensee found to
10 have committed a violation or violations of the licensing act to pay a sum not to exceed the
11 reasonable costs of the investigation and enforcement of the case.

12 FIRST CAUSE FOR DISCIPLINE

13 (Alcohol Conviction)

14 9. Respondent is subject to disciplinary action under section 2762(c) of the code in that
15 Respondent was convicted of a crime involving the consumption of alcohol. The circumstances
16 are as follows:

17 10. On or about February 14, 2009, in Santa Clara County Superior Court Case No.
18 C1198080, Respondent was convicted of violating Vehicle Code section 23152(b), driving a
19 vehicle with a blood alcohol level of .08 percent or more. The circumstances leading to
20 Respondent's conviction are as follows:

21 11. On or about December 30, 2010, shortly after 8:00 a.m., Respondent drove a vehicle
22 after drinking alcohol. Respondent hit two parked vehicles. A preliminary alcohol screening
23 revealed Respondent had a blood alcohol content of .295 percent. Respondent informed police
24 she was on her way to work.

25 SECOND CAUSE FOR DISCIPLINE

26 (Substantially Related Conviction)

27 12. Respondent is subject to disciplinary action under sections 490 and 2761(f) of the
28 code in that Respondent was convicted of a crime that is substantially related to the duties,

1 functions, or qualifications of a registered nurse. The circumstances are described in paragraphs
2 10-11, above.

3 THIRD CAUSE FOR DISCIPLINE

4 (Dangerous Use of Alcohol)

5 13. Respondent is subject to disciplinary action under section 2762(b) in that Respondent
6 used alcohol in a manner that was dangerous or injurious herself, any other person, or the public.
7 The circumstances are described in paragraphs 10-11, above.

8 FOURTH CAUSE FOR DISCIPLINE

9 (Unprofessional Conduct)

10 14. Respondent is subject to disciplinary action under section 2761(a) of the Code in that
11 Respondent was involved in unprofessional conduct. The circumstances are described in
12 paragraphs 10-11, above.

13 PRAYER

14 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
15 and that following the hearing, the Board of Registered Nursing issue a decision:

16 1. Revoking or suspending Registered Nurse License Number RN 378500, issued to
17 Cinda L. Vaughn;

18 2. Ordering Cinda L. Vaughn to pay the Board of Registered Nursing the reasonable
19 costs of the investigation and enforcement of this case, pursuant to Business and Professions
20 Code section 125.3;

21 3. Taking such other and further action as deemed necessary and proper.
22
23

24 DATED: July 18, 2011

Louise R. Bailey
LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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